

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

KAREN L. WORTMAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-06-950-M
)	
MICHAEL J. ASTRUE,)	
Commissioner of the Social Security)	
Administration,)	
)	
Defendant.)	

ORDER


On October 10, 2007, United States District Judge Vicki Miles-LaGrange entered an Order and Judgment in this case reversing the decision of defendant Commissioner of the Social Security Administration (“Commissioner”) and remanding this case for further administrative proceedings. Based on same, on January 8, 2008, plaintiff filed a Petition for the Award of Attorney’s Fees under the Equal Access to Justice Act. The Commissioner filed no response.

In her motion, plaintiff requests an award of fees in the amount of \$4,494.00. Additionally, plaintiff’s counsel requests that any award of fees be subject to both statutory and common law attorney liens. Absent governmental consent, sovereign immunity bars creditors from enforcing liens on governmental property. *Dep’t of the Army v. Blue Fox, Inc.*, 525 U.S. 255, 257, 264 (1999). Because the United States has not waived sovereign immunity with respect to attorney fee liens under Oklahoma statutory and common law, the Court denies plaintiff’s attorney’s request for a lien.

Accordingly, the Court GRANTS plaintiff’s Petition for the Award of Attorney’s Fees under the Equal Access to Justice Act [docket no. 26] and AWARDS plaintiff EAJA fees in the amount of \$4,494.00, to be paid directly to plaintiff. If attorney’s fees are also awarded under 42 U.S.C. § 406(b) of the Social Security Act, plaintiff’s counsel shall refund the smaller award to plaintiff

pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986). Finally, the Court DENIES plaintiff's attorney's request for a lien pursuant to Oklahoma law against the awarded EAJA fees.

IT IS SO ORDERED this 18th day of April, 2008.



VICKI MILES-LAGRANGE
UNITED STATES DISTRICT JUDGE